

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CABATECH, LLC,

Plaintiff,

v.

NEXTLIGHT, LLC,

Defendant.

Case No. 1:22-cv-00059-MWM

Honorable Matthew W. McFarland

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT

Now come Paul T. Saba and Stagnaro, Saba & Patterson, Co., L.P.A., and pursuant to Local Rule 83.4(b) and Prof.Cond.R. 1.16, hereby move the Court for permission to withdraw their appearance as counsel for Defendant NextLight, LLC ("NextLight"), on the grounds that they have reached an impasse in their relationship.

Local Rule 83.4(b) permits an attorney to withdraw as counsel upon "(i) providing written notice to the client, to all counsel including the withdrawing attorney and any unrepresented parties, and (ii) obtaining leave of Court." Prof.Cond.R. 1.16(b)(5) permits a lawyer to withdraw from the representation of a client where "the client fails *substantially* to fulfill an obligation, financial or otherwise, to the lawyer regarding the lawyer's services and has been given *reasonable* warning that the lawyer will withdraw unless the obligation is fulfilled." (emphasis in original).

Here, NextLight has substantially failed to fulfill its financial obligation to Movant concerning Movants' services as counsel. NextLight has been given reasonable warning of Movants' intent to withdraw absent fulfillment of its financial obligation. Movants have sent NextLight several emails concerning NextLight's failure to fulfill its financial obligation. (Declaration of Paul T. Saba, attached as **Exhibit A**). Additionally, on December 19, 2023, Movants sent a letter to NextLight advising of Movants' intent to withdraw as counsel and that NextLight should immediately retain new counsel. (Id.)

Thus, the Movants have previously provided reasonable warning of their intent to withdraw. NextLight has not fulfilled its obligations as demanded. This failure to fulfill its financial obligations to Movants constitutes a showing of good cause for withdrawal consistent with the Rules of Professional Conduct. Pursuant L.R. 83.4(b), Movants have served a copy of this Motion to Withdraw as Counsel and this Memorandum in Support upon NextLight by regular U.S. Mail.

Based on the foregoing, and for good cause shown, Movants Paul T. Saba and Stagnaro, Saba & Patterson, Co., L.P.A., respectfully request that the Court enter an Order granting their Motion to Withdraw as Counsel.

A proposed order is attached for the Court's consideration.

Respectfully submitted,

/s/ Paul T. Saba

Paul T. Saba (0063723)

STAGNARO, SABA & PATTERSON, Co., L.P.A.

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pts@sspfirm.com
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Motion to Withdraw as Counsel for Defendant was served on the following via CM/ECF
on December 21, 2023.

Gregory P. Barwell
Wesp Barwell, LLC
475 Metro Place South, Suite 430
Dublin, OH 43017
gbarwell@wesplaw.com

/s/ Paul T. Saba
Paul T. Saba (0063723)

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 83.4(B)

The undersigned hereby certifies that a true and correct copy of the foregoing
Motion to Withdraw as Counsel for Defendant was served on the following via regular
U.S. mail on December 21, 2023.

NextLight, LLC
4061 Clough Woods Drive
Batavia, OH 45103

/s/ Paul T. Saba
Paul T. Saba (0063723)